

EXHIBIT A



July 11, 2024

Director Ramiro Gutierrez
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226

RE: Charge of Discrimination Against IBM & IBM Consulting

This is a charge of discrimination on behalf of Randall E. Dill ("Charging Party" or Mr. Dill) against IBM.

Mr. Dill began his employment with IBM in October 2016. During his time at IBM, his role as a Senior Managing Consultant was to support clients on long-term projects. When he was assigned to a project that would be his primary client project for many months or even years. When his support of that client was done, he would go back "on the bench" to await a new long-term assignment. He was never responsible for client development, creating new leads, or converting leads to clients; all of his work was with already-existing IBM clients.

In July 2023, with no notice or prior complaints about his performance, his supervisor Jay Zook came to him and put him on a Performance Improvement Plan ("PIP"). Jay Zook told Mr. Dill he was being placed on the PIP because of "low utilization" and that he was not "bringing in the work." Neither of these reasons were functions that had ever been within the Charging Party's job description or control.

To the contrary, Mr. Dill had historically had very high reviews. He was reviewed on what IBM calls "Net Promotor Scores" where a score of 8/10 or higher is a sign of doing great work with an assigned client. During the last four years of his tenure with IBM, Mr. Dill was assigned to the same client and his Net Promotor Scores were 9/10. Not only were these scores some of the best within his segment of IBM Consulting, but they were even talked about, quoted, and applauded during our monthly "All Hands" calls by the President of the division.

Despite this, IBM and IBM Consulting, acting through Jay Zook and the corporate leadership structure, including Kevin Henning, put the Charging Party on a generalized and nebulous PIP, wholly unrelated to his normal work. For example, he was told to improve his "marketing" but he was never on the business development side, he always only worked with existing clients. Nevertheless, Mr. Dill tried to

611 Pennsylvania Ave SE #231
Washington, DC 20003

comply with the PIP, in a good faith effort to retain his job. He performed outreach to try and secure a client, and, when he had a strong lead, asked for business development resources from within IBM to convert the lead into a signed client. He was eventually told that he would not get any resources from IBM to help secure a client—a criteria of his PIP—and Zook told the Charging Party “You are on your own.”

During the time Mr. Dill was on the PIP, IBM continued to hire new employees who met IBM’s diversity quotas and incentive structures while taking steps to force him—an older white male—out the door. The Charging Party asserts that the PIP was a pretext for his termination and that the real reason was that he was targeted for his age, race, ethnicity, and sex—in violation of the Civil Rights Act of 1964—as the Charging Party was of a disfavored class at IBM and the leadership had a financial interest in discriminating against him.¹ When IBM terminated the Charging Party, he made multiple requests to speak to someone from Human Resources, all of which were denied.

The Charging Party was terminated on October 31, 2023. The EEOC has jurisdiction to investigate this claim under the EEOC’s workshare agreement with the state of Michigan. The Charging Party lives in Muskegon, Michigan, where he worked remotely.

The Charging Party requests that the EEOC make an initial decision whether it will investigate this matter, and if it concludes that it will not—issue a Right to Sue letter in a timely manner.

By Counsel:



Reed D. Rubinstein
 Andrew J. Block
 AMERICA FIRST LEGAL FOUNDATION
 611 Pennsylvania Ave. SE #231
 Washington, D.C. 20003
 Tel: (202) 836-7658
 Email: reed.rubinstein@aflegal.org

¹ See IBM Corporate statements in annual corporate filings such as ESG Impact Reports, Annual 10-K reports, Annual Reports, and Annual Proxy Statements. 2024 Proxy Statement at 36, 2023 Annual Report at 16, 2022 Annual Report at 16, 2023 10-K, 2022 10-K, 2023 ESG Impact Report, and 2022 ESG Impact Report.

andrew.block@aflegal.org



Christopher S. Berry
SMITH HAUGHEY RICE & ROEGGE
100 Monroe Center NW
Grand Rapids, MI 49503
Direct: (616) 458-3444
cberry@shrr.com

Counsel for Charing Party

Verification

I, Randall Dill, have reviewed the foregoing Charge of Discrimination and hereby attest, under penalty of perjury, that it is true and accurate to the best of my knowledge and recollection.

Signed and Attested: 

Date: 7/11/2024

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
E-FILE FOR ATTORNEYS**

RE: EEOC Charge No. 471-2024-05834

1. I acknowledge that I am submitting a charge of discrimination with the EEOC on behalf of Mr. Randall Dill against International Business Machines Corporation.
2. I acknowledge that the EEOC is required to serve notice of the charge on International Business Machines Corporation, and that the notice may include Mr. Randall Dill's name or other identifying information.
3. I certify that (1) I am an attorney licensed to practice law, (2) I represent Mr. Randall Dill, (3) this client has authorized me to submit this charge, and (4) the information I am providing is true and correct to the best of my knowledge.

Signature

Andrew Block

Andrew Block

Date

07/11/2024

E-File for Attorneys Information

EEOC Charge Number: 471-2024-05834

Date: 07/11/2024

Verified Path

Receiving Office: Detroit Field Office

Attorney Information

Name: Andrew Block

Pronouns:

Address: 611 Pennsylvania Ave SE #231

Washington, DC 20003

Email Address: andrew.block@aflegal.org

Primary Phone: 202-836-7958

Secondary Phone:

Fax:

Language Needs:

Disability Needs:

Bar Number: 91537

Bar Jurisdiction: Virginia

Client Information

Name: Mr. Randall Dill

Pronouns:

Address: 5560 Helmsley Court

Muskegon, MI 49444

Email Address: randy.dill@mail.com

Primary Phone:

Secondary Phone:

Date of Birth:

Gender: Male

Disability:

Hispanic or Latino:

Race: Unable to Obtain Information from Charging Party

Ethnicity/National Origin Group: Unavailable

Ethnicity/National Origin: Unable to Obtain Information from Charging Party

Language Needs:

Disability Needs:

Respondent Information

Name: International Business Machines Corporation

Address: New Orchard Road

Armonk, NY 10504

Primary Phone: 914-499-1900

Fax:

Institution Type: Private Employer

Number of Employees: 501+ Employees

North American Industry Classification System (NAICS) Code:
Tax Identification Number:

Worksite Address:
5560 Helmsley Court, Muskegon, MI, 49444

Service Address: New Orchard Road, Armonk, NY, 10504

Allegation Information

Allegations: Age, Color, National Origin, Race, Sex

Additional Information

Class: No

Policy: Yes
IBM admits, through statements of the CEO and its Financial disclosures, to having a policy of conditioning bonus pay to people who hire based on preferred race and sex.

Related Inquiries/Charge: No

Related Lawsuit: No

Requested Immediate Notice of Right to Sue: Yes

Requested Mediation: N/A